

ADRMOP, CLOSED, E-Filing, PRVADR

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:07-cv-03953-PJH  
Internal Use Only**

McFarland v. Guardsmark, LLC  
Assigned to: Hon. Phyllis J. Hamilton  
Case in other court: Alameda Superior Court, RG 07327410  
Cause: 28:1441 Petition for Removal

Date Filed: 08/01/2007  
Date Terminated: 08/25/2008  
Jury Demand: None  
Nature of Suit: 790 Labor: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Johnny McFarland**  
*on behalf of himself and all others similarly  
situated*

represented by **Daniel H. Qualls**  
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V.

**Defendant**

**Guardsmark, LLC**

represented by **Martin D. Bern**  
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Date Filed	#	Docket Text
08/01/2007	<a href="#"><u>1</u></a>	NOTICE OF REMOVAL from Alameda Superior Court. Their case number is RG 07327410. (Filing fee \$350 receipt number 34611008943). Filed by Guardsmark, LLC. (sv, COURT STAFF) (Filed on 8/1/2007) Additional attachment(s) added on 8/9/2007 (ga, COURT STAFF). (Entered: 08/03/2007)
08/01/2007	<a href="#"><u>2</u></a>	ADR SCHEDULING ORDER: Case Management Statement due by 11/1/2007. Case Management Conference set for 11/8/2007 10:00 AM. (Attachments: # <a href="#"><u>1</u></a> Standing Order for Judge James# <a href="#"><u>2</u></a> Standing Order re Discovery# <a href="#"><u>3</u></a> Standing Order re Joint CMC Statement# <a href="#"><u>4</u></a> Standing Order for all Judges)(sv, COURT STAFF) (Filed on 8/1/2007) (Entered: 08/03/2007)
08/01/2007		CASE DESIGNATED for Electronic Filing. (sv, COURT STAFF) (Filed on 8/1/2007) (Entered: 08/03/2007)
08/01/2007	<a href="#"><u>3</u></a>	Certificate of Interested Entities by Guardsmark, LLC (sv, COURT STAFF) (Filed on 8/1/2007) Additional attachment(s) added on 8/9/2007 (ga, COURT STAFF). (Entered: 08/03/2007)

		08/03/2007)
08/01/2007	<a href="#">4</a>	NOTICE of Corporate Disclosure Statement by Guardsmark, LLC re <a href="#">3</a> Certificate of Interested Entities (sv, COURT STAFF) (Filed on 8/1/2007) Additional attachment(s) added on 8/9/2007 (ga, COURT STAFF). (Entered: 08/03/2007)
08/03/2007	<a href="#">5</a>	CERTIFICATE OF SERVICE by Guardsmark, LLC <i>OF NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT</i> (Heinicke, Malcolm) (Filed on 8/3/2007) (Entered: 08/03/2007)
08/03/2007	<a href="#">6</a>	CERTIFICATE OF SERVICE by Guardsmark, LLC <i>BY MAIL (of ECF Information handout; Notice of Assignment of Case; Order Setting Initial Case Management Conference and ADR Deadlines; Case Managment Standing Order; ADR Procedures)</i> (Heinicke, Malcolm) (Filed on 8/3/2007) (Entered: 08/03/2007)
08/08/2007	<a href="#">7</a>	ANSWER to Complaint <i>OF DEFENDANT GUARDSMARK, LLC</i> by Guardsmark, LLC. (Heinicke, Malcolm) (Filed on 8/8/2007) (Entered: 08/08/2007)
08/08/2007	<a href="#">8</a>	CERTIFICATE OF SERVICE by Guardsmark, LLC re <a href="#">7</a> Answer to Complaint (Heinicke, Malcolm) (Filed on 8/8/2007) (Entered: 08/08/2007)
08/24/2007	<a href="#">9</a>	CONSENT to Proceed Before a US Magistrate Judge by Johnny McFarland.. (ga, COURT STAFF) (Filed on 8/24/2007) (Entered: 08/29/2007)
08/24/2007	<a href="#">10</a>	CERTIFICATE OF SERVICE by Johnny McFarland re <a href="#">9</a> Consent to Proceed Before a US Magistrate Judge (ga, COURT STAFF) (Filed on 8/24/2007) (Entered: 08/29/2007)
08/31/2007	<a href="#">11</a>	Declination to Proceed Before a U.S. Magistrate Judge by Guardsmark, LLC. (Bern, Martin) (Filed on 8/31/2007) (Entered: 08/31/2007)
10/17/2007	<a href="#">12</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Phyllis J. Hamilton for all further proceedings. Judge Maria-Elena James no longer assigned to the case.. Signed by Executive Committee on 10/17/07. (as, COURT STAFF) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/18/2007	<a href="#">13</a>	ORDER SETTING CASE MANAGEMENT CONFERENCE. Signed by Judge Phyllis J. Hamilton on 10/18/07. (nah, COURT STAFF) (Filed on 10/18/2007) (Entered: 10/18/2007)
10/18/2007		Set Deadlines/Hearings: Case Management Statement due by 11/1/2007. Case Management Conference set for 11/8/2007 02:30 PM. (nah, COURT STAFF) (Filed on 10/18/2007) (Entered: 10/18/2007)
10/25/2007	<a href="#">14</a>	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/30/2007	<a href="#">15</a>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Qualls, Daniel) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/31/2007	<a href="#">16</a>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>by Guardsmark, LLC and Counsel</i> (Bern, Martin) (Filed on 10/31/2007) (Entered: 10/31/2007)
11/01/2007	<a href="#">17</a>	STIPULATION and Proposed Order selecting Private ADR by Johnny McFarland, Guardsmark, LLC (Qualls, Daniel) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/01/2007	<a href="#">18</a>	JOINT CASE MANAGEMENT STATEMENT filed by Guardsmark, LLC. (Bern, Martin)

		(Filed on 11/1/2007) (Entered: 11/01/2007)
11/08/2007	<a href="#">19</a>	Minute Entry: Initial Case Management Conference held on 11/8/2007 before Phyllis J. Hamilton (Date Filed: 11/8/2007), Case referred to Private ADR. (Court Reporter Not Reported.) (nah, COURT STAFF) (Date Filed: 11/8/2007) (Entered: 11/08/2007)
11/26/2007	<a href="#">20</a>	MOTION for attorney David Sanford leave to appear in Pro Hac Vice ( Filing fee \$ 210, receipt number 34611012784.) filed by Johnny McFarland. (ga, COURT STAFF) (Filed on 11/26/2007) (far, COURT STAFF). (Entered: 11/29/2007)
12/03/2007	<a href="#">21</a>	MOTION for attorney Grant Morris leave to appear in Pro Hac Vice ( Filing fee \$ 210, receipt number 34611013057.) filed by Johnny McFarland. (ga, COURT STAFF) (Filed on 12/3/2007) (far, COURT STAFF). (Entered: 12/04/2007)
01/09/2008	<a href="#">22</a>	MOTION for Partial Summary Judgment filed by Johnny McFarland. Motion Hearing set for 2/13/2008 09:00 AM in Courtroom 3, 17th Floor, San Francisco. (Attachments: # <a href="#">1</a> Memorandum of Points and Authorities, # <a href="#">2</a> Appendix Appendix of Decisions, # <a href="#">3</a> Request for Judicial Notice, # <a href="#">4</a> Proposed Order Proposed Order)(Workman, Robin) (Filed on 1/9/2008) (Entered: 01/09/2008)
01/09/2008	<a href="#">23</a>	MOTION for Partial Summary Judgment <i>and Memorandum of Points and Authorties in Support</i> filed by Guardsmark, LLC. Motion Hearing set for 2/13/2008 09:00 AM in Courtroom 3, 17th Floor, San Francisco. (Bern, Martin) (Filed on 1/9/2008) (Entered: 01/09/2008)
01/09/2008	<a href="#">24</a>	JOINT STATEMENT of Undisputed Facts re <a href="#">23</a> MOTION for Partial Summary Judgment by Guardsmark, LLC. (Bern, Martin) (Filed on 1/9/2008) Modified on 1/28/2008 (far, COURT STAFF). (Entered: 01/09/2008)
01/09/2008	<a href="#">25</a>	Proposed Order re <a href="#">23</a> MOTION for Partial Summary Judgment <i>and Memorandum of Points and Authorties in Support</i> by Guardsmark, LLC. (Bern, Martin) (Filed on 1/9/2008) (Entered: 01/09/2008)
01/18/2008	<a href="#">26</a>	MEMORANDUM of Points and Authorities in Opposition re <a href="#">23</a> MOTION for Partial Summary Judgment filed by Johnny McFarland. (Attachments: # <a href="#">1</a> Request for Judicial Notice)(Workman, Robin) (Filed on 1/18/2008) Modified on 1/28/2008 (far, COURT STAFF). (Entered: 01/18/2008)
01/23/2008	<a href="#">27</a>	STIPULATION <i>and [Proposed] Order on Briefing on Cross-Motions for Partial Summary Judgment</i> by Guardsmark, LLC. (Bern, Martin) (Filed on 1/23/2008) (Entered: 01/23/2008)
01/24/2008	<a href="#">28</a>	ORDER Granting re <a href="#">27</a> Stipulation Re Briefing On Cross-Motions For Partial Summary Judgment filed by Guardsmark, LLC (Defendant's combined Opposition/Reply Brief duy 1/25/08). Signed by Judge Phyllis J. Hamilton on 1/24/08. (fj, COURT STAFF) (Filed on 1/24/2008) (Entered: 01/24/2008)
01/25/2008	<a href="#">29</a>	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO <a href="#">22</a> Plaintiff's Motion for Partial Summary Judgment and in REPLY to Plaintiff's Opposition to Guardsmark's Motion for Partial Summary Judgment filed by Guardsmark, LLC. (Related document(s) <a href="#">22</a> ) (Heinicke, Malcolm) (Filed on 1/25/2008) Modified on 1/28/2008 (far, COURT STAFF). (Entered: 01/25/2008)
02/13/2008	<a href="#">30</a>	Minute Entry: Motion Hearing held on 2/13/2008 before Phyllis J. Hamilton re <a href="#">22</a> MOTION for Partial Summary Judgment filed by Johnny McFarland, <a href="#">23</a> MOTION for

		Partial Summary Judgment and Memorandum of Points and Authorities in Support filed by Guardsmark, LLC. (Court Reporter Kathy Wyatt (415) 487-9834) (nah, COURT STAFF) (Date Filed: 2/13/2008) Modified on 2/13/2008 (far, COURT STAFF). (Entered: 02/13/2008)
02/13/2008	<a href="#">31</a>	Proposed Order re <a href="#">20</a> MOTION for leave to appear in Pro Hac Vice ( Filing fee \$ 210, receipt number 3461101278.) by Johnny McFarland. (Sanford, David) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/13/2008	<a href="#">32</a>	Proposed Order re <a href="#">21</a> MOTION for leave to appear in Pro Hac Vice ( Filing fee \$ 210, receipt number 3461101305.) by Johnny McFarland. (Sanford, David) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/14/2008	<a href="#">33</a>	ORDER GRANTING APPLICATION FOR ADMISSION OF ATTORNEY PRO HAC VICE by Judge Phyllis J. Hamilton granting <a href="#">20</a> Motion for Pro Hac Vice for David Sanford. (nah, COURT STAFF) (Filed on 2/14/2008) (Entered: 02/14/2008)
02/14/2008	<a href="#">34</a>	ORDER GRANTING APPLICATION FOR ADMISSION OF ATTORNEY PRO HAC VICE by Judge Phyllis J. Hamilton granting <a href="#">21</a> Motion for Pro Hac Vice for Grant Morris. (nah, COURT STAFF) (Filed on 2/14/2008) (Entered: 02/14/2008)
02/20/2008	<a href="#">35</a>	TRANSCRIPT of Proceedings held on 2/13/08 before Judge Hamilton. Court Reporter: Katherine Wyatt. (far, COURT STAFF) (Filed on 2/20/2008) (Entered: 02/21/2008)
03/14/2008	<a href="#">36</a>	ORDER by Judge Hamilton denying <a href="#">22</a> Plaintiff's Motion for Partial Summary Judgment; granting <a href="#">23</a> Defendant's Motion for Partial Summary Judgment (pjhlcl, COURT STAFF) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/17/2008	<a href="#">37</a>	CLERK'S NOTICE SETTING FURTHER CASE MANAGEMENT CONFERENCE. Further Case Management Conference set for 4/10/2008 02:30 PM. Case Management Statement due by 4/3/2008. (nah, COURT STAFF) (Filed on 3/17/2008) (Entered: 03/17/2008)
04/07/2008	<a href="#">38</a>	JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER filed by Guardsmark, LLC. (Heinicke, Malcolm) (Filed on 4/7/2008) Modified on 4/7/2008 (far, COURT STAFF). (Entered: 04/07/2008)
04/10/2008	<a href="#">39</a>	Minute Entry: Further Case Management Conference held on 4/10/2008 before Phyllis J. Hamilton (Date Filed: 4/10/2008), Case referred to Private ADR. Discovery due by 10/15/2008. Motion for Class Certification to be filed by 11/12/2008. (Court Reporter Not Reported.) (nah, COURT STAFF) (Date Filed: 4/10/2008) (Entered: 04/11/2008)
07/22/2008	<a href="#">40</a>	JOINT NOTICE OF MOTION AND JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT filed by Guardsmark, LLC. Motion Hearing set for 9/3/2008 09:00 AM in Courtroom 3, 17th Floor, San Francisco. (Heinicke, Malcolm) (Filed on 7/22/2008) Modified on 7/23/2008 (far, COURT STAFF). (Entered: 07/22/2008)
07/22/2008	<a href="#">41</a>	Stipulated and [Proposed] JUDGMENT re <a href="#">40</a> JOINT NOTICE OF MOTION AND JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT by Guardsmark, LLC. (Heinicke, Malcolm) (Filed on 7/22/2008) Modified on 7/23/2008 (far, COURT STAFF). (Entered: 07/22/2008)
07/23/2008	<a href="#">42</a>	ORDER. Signed by Judge Hamilton on 7/23/2008. (pjhlcl, COURT STAFF) (Filed on 7/23/2008) (Entered: 07/23/2008)

08/06/2008	<a href="#">43</a>	Brief re <a href="#">40</a> JOINT NOTICE OF MOTION AND JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT <i>"JOINT SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT"</i> filed by Guardsmark, LLC. (Related document(s) <a href="#">40</a> ) (Heinicke, Malcolm) (Filed on 8/6/2008) (Entered: 08/06/2008)
08/25/2008	<a href="#">44</a>	STIPULATED JUDGMENT, ***Civil Case Terminated. Signed by Judge Phyllis J. Hamilton on 8/25/08. (nah, COURT STAFF) (Filed on 8/25/2008) (Entered: 08/26/2008)